IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WA.No. 2035 of 2007

AGAINST THE JUDGEMENT IN WP(C) NO.21112/2005 Dated 07/06/2006

APPELLANT: PETITIONER.

N.DAMAYANTHY, W/O. K.NANOO,
KATTUVILA PUTHENVEEDU, VARKALA,
THIRUVANANTHAPURAM

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS: RESPONDENTS.
---

1. THE STATE OF KERALA,
   REPRESENTED BY THE PRINCIPAL SECRETARY TO
   GOVERNMENT, GENERAL ADMINISTRATION DEPARTMENT,
   THIRUVANANTHAPURAM.

2. THE UNDER SECRETARY TO GOVERNMENT OF
   INDIA, FREEDOM FIGHTER'S DIVISION, MINISTRY OF
   HOME AFFAIRS, NEW DELHI.

BY ASSISTANT SOLICITOR GENERAL SRI.P.PARAMESWARAN NAIR
SENIOR GOVERNMENT PLEADER SMT. MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2035 OF 2007

Dated this the 13th September, 2007

JUDGMENT

H.L.DATTU, C.J.

Appellant before us is the writ petitioner in W.P.(C) No.21112 of 2005. In the said Writ Petition, petitioner had called in question the orders passed by the Government of India, Ministry of Home Affairs, dated 3rd November, 2000. The Central Government has rejected the claim of the petitioner for grant of SSS Pension.

2. Learned single Judge has rejected the Writ Petition on three grounds. Firstly, that there is delay and latches on the part of the petitioner in approaching the Court by filing a Writ Petition in the year 2005, wherein the order passed by the Central Government of the year 2000 is questioned. Secondly, that the petitioner had not fully complied with the conditions stipulated in the Scheme for grant of SSS Pension and thirdly, that the petitioner's husband, though was alive till 1992, did not choose to make any claim for grant of SSS Pension before the Central Government.

3. Admittedly, a representation had been filed by the petitioner before the Central Government for grant of SSS Pension. Since the representation filed had not been considered by the Central Government, the petitioner was before this Court in O.P.No.17767 of 2000. This Court had directed the Central Government to consider the representation of the

petitioner and pass an appropriate order. After disposal of the Original Petition, the Union Government had passed an order dated 3rd November, 2000 and communicated the same to the petitioner. Though the order is dated 3rd November, 2000, petitioner, for the first time, had approached this Court by filing a Writ Petition in the year 2005. There is no explanation, much less a reasonable explanation, for approaching this Court nearly after five years of the date of the order passed by the Central Government. On this ground alone, the learned single Judge could have rejected the Writ Petition.

4. In the Scheme under which SSS Pension is granted, the applicant is expected to produce a certificate to prove his detention/imprisonment, at least for an year's time. In the instant case, the certificate so produced by the petitioner along with the representation/petition for grant of SSS pension was issued by a co-prisoner of the petitioner's husband, who had suffered imprisonment for less than six months. The applicant will be entitled to grant of certain reliefs by the Government, provided, the applicant has fully complied with the conditions prescribed in the Scheme itself. In the instant case, since the petitioner did not produce the certificate as required under the Scheme, in our opinion, the Central Government was justified in rejecting the claim of the petitioner for SSS Pension. The learned single Judge has taken note of this condition and accordingly has made this as one of the grounds for

rejecting the Writ Petition.

In our opinion, in view of the above, interference with the order passed by the learned single Judge is not called for. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/